

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BAMFORD, INC., A Nebraska
Corporation,

Plaintiff,

V.

RICHARD POSTON, and PONDEROSA
PARTNERS, A Nebraska General
Partnership,

Defendants.

4:09CV3035

MEMORANDUM AND ORDER

A telephonic conference call was held to discuss the plaintiff's motion to amend the pretrial order and its motion to continue trial. Counsel for the plaintiff explained that additional documents were located on or near January 13, 2010, and at least one of the documents may be relevant to determining if the promissory note at issue in this litigation existed. The late discovery and disclosure occurred through no fault of the parties. Additional discovery is needed, and one witness who may have relevant evidence is out of the country until February 15, 2010.

Accordingly,

- 1) The plaintiff's motion to amend the pretrial order, (filing no. [48](#)), is granted, and the defendants' objection to that motion, (filing no. [50](#)), is denied.
- 2) The plaintiff's motion to continue the trial, (filing no. [47](#)), is granted, and the defendant's objection to a trial continuance, (filing no. [49](#)), is denied.
- 3) Subject to the prior setting of any civil or criminal case, the non-jury trial of this case, scheduled for one day only, is continued and will commence at 9:00 a.m. on March 12, 2010. Should the parties experience any difficulty in timely finalizing the discovery needed for this new trial setting, they shall promptly contact the undersigned magistrate judge.
- 4) If the parties are submitting any testimony by deposition for this trial, the deposition transcripts shall be promptly forwarded upon receipt to the presiding judge by email sent to kopf@ned.uscourts.gov.

January 25, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge